

REMARKS

In a Final Office Action mailed on May 4, 2005, claims 10-13, 25, 26, 28, 29, 44-48, 50 and 51 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kilgore; and claims 27 and 49 were objected to as being dependent upon rejected base claims but were indicated as being allowable if rewritten in independent form.

In the Final Office Action, the Examiner states that "inherency clearly flows from the reference since free fall (sic) requires the halting of pressurized fluid flow in order for the tool deployment to free fall." Final Office Action, 3. However, the phrase "free fall" does not necessarily mean that Kilgore's tool descends under a gravitational force without a flow being present, as the language "free fall" has no bearing on whether a flow is present in the well.

To further illustrate the proper definition and context of "free fall," Kilgore discusses in the Background section three methods to deploy a tool within a well. One of the described methods involves the use of a plunger lift system that includes a plunger and a bumper spring, which is deployed inside a production tubing. Kilgore describes that in this plunger lift method the plunger "is allowed to free-fall to the bumper spring." Kilgore, 2:40-41. Kilgore describes that, "the plunger expands to the inside diameter of the flowline and the gas in the well lifts the plunger." *Id.*, 2:41-43. Thus, in the Background section, Kilgore specifically sets forth an example in which an object expands its cross-sectional area for purposes of permitting a flow to carry the object back to the well surface. It is clear from the language found in lines 35-51 in column 2 of Kilgore that flow is not halted for purposes of allowing the plunger to "free fall." Rather, the expansion of the plunger controls when the flow catches the plunger and returns the plunger to the surface of the well.

Therefore, as can be seen from the above-recited passage of Kilgore, "free fall" is not synonymous with the halting of a flow.

Applicant also directs the Examiner's attention to lines 10-15 in column 5 of Kilgore, a section in which Kilgore discusses that the servicing and completion system 240 is operated "while the well is still in operation." Thus, this passage implies, if not explicitly teaches, that the flow is not halted during the deployment of the tool.

Additionally, the Background section of Kilgore illustrates a possible embodiment of the surfacing mechanism 470 that is mentioned in the Detailed Description, i.e., a device whose

outer diameter expands to match the cross-section of the inner diameter of the flow line to cause the existing well flow to flow the tool back to the surface of the well.

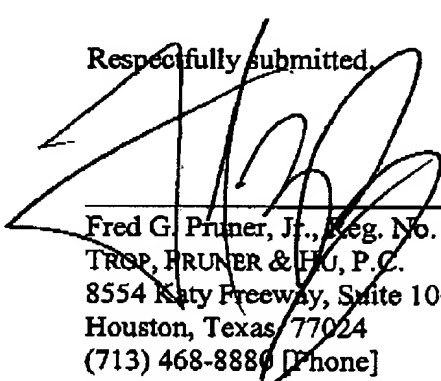
To summarize, Kilgore does not explicitly, implicitly or inherently teach disclose that a flow in its well is halted while a tool "free falls" in the well. Therefore, when Kilgore is considered in its entirety and the language "free fall" is placed in the appropriate context, it becomes clear that "free fall" does not mean descending in the absence of a counter flow but rather, means falling under the influence of gravity (whether or not the flow is present). As such, a *prima facie* case of anticipation has not been established for either independent claim 10 or 44.

CONCLUSION

In view of the foregoing, withdrawal of the § 102(b) rejections of claims 10-13, 25, 26, 28, 29, 44-48, 50 and 51 and a favorable action in form of a Notice of Allowance are requested. The Commissioner is authorized to charge any additional fees, including extension of time fees, and/or credit any overpayment to Deposit Account No. 20-1504 (SHL.0114US).

Respectfully submitted,

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